

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEMARK, INC.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 2:16-cv-00543-JRG/RSP
	§	
MASABI LTD.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

Bytemark, Inc. (“Bytemark”) and Masabi Ltd. (“Masabi”) (collectively the “Parties”) submit this Joint Motion to Amend the Amended Docket Control Order (Doc. No. 37) currently entered in this action and as good cause in support thereof show as follows:

1. Due to the identification of five additional fact witnesses that came to light during the course of a deposition conducted in this action in London, United Kingdom, on July 7, 2017, the Parties jointly request the Court to extend the deadline to complete fact discovery in this case for a period of thirty (30) days from the current deadline of July 17, 2017. This thirty (30) day extension of the fact discovery deadline – up to and including August 16, 2017 – will allow the Parties the necessary additional time required to locate and depose these additional fact witnesses as well as to complete all other fact discovery required for the Parties to be prepared for trial on the currently schedule jury selection date of December 4, 2017.

2. In addition to requesting the Court to extend the deadline to Complete Fact Discovery and File Motions to Compel Discovery, the Parties additionally jointly request the Court to modify certain other subsequent deadlines contained in the current Amended Docket Control Order on file in this action in order to accommodate the thirty (30) day extension of the fact

discovery deadline the parties are requesting. Each of the other deadlines that the Parties are requesting the Court to extend are set forth on the proposed Second Amended Docket Control Order attached with this motion. The only asterisked (*) deadline that the Parties are requesting the Court to extend is the deadline to File Dispositive Motions or Motions to Strike Expert Testimony (including *Daubert* Motions). The parties believe that an extension of this deadline is necessary so that the additional fact witnesses that were brought up in the July 7, 2017 deposition can be deposed and the deadlines following the extended fact discovery deadline that Parties are requesting can move forward on the same timeline as they do in the current Amended Docket Control Order.

WHEREFORE, Bytemark and Masabi respectfully request that the Court grant this Motion to Amend Docket Control Order motion and to enter the attached proposed Second Amended Docket Control Order in this action and for such other relief as the Court deems suitable and just.

Dated: July 13, 2017

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Andy Smith w/ permission of Lead Attorney".

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/s/ Douglas LaLone (w/permission AT)

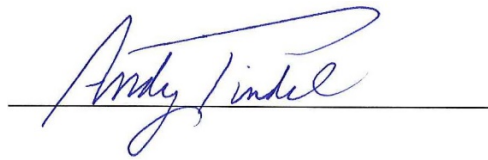
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CERTIFICATE OF SERVICE

This is to certify that all known counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per E. Dist. Tex. Loc. Ct. R. CV-5(a)(3) on this the 13th day of July, 2017. Any other known counsel of record will be served with a copy of this document by email and/or facsimile transmission



Andy Tindel